

REMARKS

Claims 1 through 3, 5, 6, 8 through 13, and 20 through 24 are now in this application. Claims 4, 7 and 14 through 19 (previously withdrawn from further consideration) have been cancelled and new claims 20 through 24 have been added (no additional fees are implicated since no more than three independent claims and fewer than 20 total claims will be in this Application after entry of this Amendment).

It has been requested herein that the Title of the invention be changed in view of the previous Election, thereby more accurately describing the invention claimed in this Application.

Independent claim 1 has been amended to more completely define the main body by specifying both a mounting end and manually engagable distal end, the mounting end including first and second spaced wings adapted to receive pivotable mounting means. An actuator connecting structure is specified at the mounting end of the main body. The first flare extends from a central portion of the main body between the distal and mounting ends. Support for these amendments may be found in the specification beginning at the second full paragraph of

page 9 and continuing on to the carryover paragraph ending on page 10.

Independent claim 9 has been amended to more clearly specify the scope of the claim. This claim is directed to a device for modifying an existing control lever of conventional design. Such control levers have a manually engagable distal end for lever movement toward and away from a handle grip. The "plane" referred to in claim 9 is defined as the plane between the handle grip and the control lever within which the arc of lever movement occurs. The device itself that is claimed in independent claim 9 is the portion fit to the control lever and the flare extending from the portion such that it extends therefrom in a direction substantially normal (that is to say perpendicular) to the "plane".

New independent claim 20 specifies a control lever device having a main body including first and second spaced wings for pivotable connection of the device at the steering structure of a vehicle, the main body pivotable manually toward and away from the handle grip in a plane defined between the handle grip and the main body. First and second flares extend from between the spaced wings and the distal end of the main body, in substantially opposite directions substantially normal to

the plane. The flares and the main body define first and second engagable cradles.

Claims 21 through 24 are dependent on claim 20. Amendments made to the remaining claims are made in view of the amendments made to the independent claims.

In the Office Action, the Examiner has rejected independent claim 1 as previously presented under 35 USC 102(b) as being anticipated by the teachings in the U.S. Patent publication to Bedard. It should be noted that the structure taught in Bedard at 46/48 and applied in rejecting claim 1 (citing this structure as equivalent to the first flare of claim 1) is the means for pivotable attachment of the lever to the handle bar (see the publication at page 2, paragraph 0020) and is not accessible to a user for moving the throttle lever at all. Claim 1 as now presented specifies this structure as well as the flare extending from the central portion of the main body (between the wings and the distal end). Thus, it is felt that claim 1 is not anticipated by the teachings in the Bedard patent publication since there is no teaching (or suggestion) of a flare thus positioned.

Claims 2, 3, 5, 6 and 8 are dependent, directly or indirectly, on claim 1 and should be allowed with the independent claim.

The Examiner also rejected independent claim 9, as previously presented, as being anticipated under 35 USC 102(b) by the teachings in the U.S. Patent to Iwasaki. Clarification of this rejection is necessary. The Examiner has failed to identify that part of the Iwasaki assembly held to be equivalent to the control lever on which the device claimed in claim 9 is mounted. Instead, the whole assembly of Iwasaki is treated as equivalent to the device of claim 9 (from tubular shaft body 7 to the operating arms 13 and 14), which as pointed out above does not include the main body of the lever itself. Clarification is requested if this rejection is to be continued, since it appears that the Iwasaki assembly is not adapted for use as specified in independent claim 9.

However, as amended, independent claim 9 clearly specifies that the device includes a portion contoured to fit a control lever for mounting thereat. There is no such teaching or suggestion in the Iwasaki patent of such structure. Moreover, there is no teaching or suggestion in the Iwasaki patent of a flare that, once the device is mounted on the control lever, extends in a direction substantially normal to the plane (as defined in the claim) of lever movement. It is thus felt that

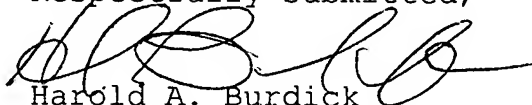
independent claim 9 is not anticipated by the teachings in the Iwasaki patent.

Claims 10 through 13 are dependent on claim 9 and should be allowed with the independent claims.

Independent claim 20 is felt to be allowable over the applied references for many of the same reasons set forth hereinabove. In addition, neither of the applied references teaches nor suggests the digitally engagable cradles as specified in claim 20. Claims 21 through 24 are dependent claims relying on claim 20, and should be allowed with claim 20.

In view of the foregoing, it is felt that all of the claims now in this Application are allowable, and accordingly, allowance of these claims, followed by passage of this Application to issue, is respectfully solicited.

Respectfully Submitted,



Harold A. Burdick
Registration No. 32,725

HAB
Telephone: (303) 530-1355